

United States Patent Application  
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS FOR TREATMENT OF INFLAMMATORY DISEASES

The specification of which

- a. ☒ is attached hereto  
b. ☐ was filed on \_\_\_\_\_ as application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119         |                    |                                      |                                     |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY  | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) |
|  |                    |                                      |                                     |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) |                    |                                      |                                     |
| COUNTRY  | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) |
|  |                    |                                      |                                     |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| 09/570,120              | May 12, 2000                      | Pending                               |
| 09/360,095              | July 23, 1999                     | Pending                               |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
|                                     |                                   |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: I appoint the following:

Charles Berman, Reg. 29,249  
 Louis J. Bovasso, Reg. 24,075  
 Marc E. Brown, Reg. 28,590  
 Christopher Darrow, Reg. 30,166  
 Michael B. Farber, Reg. 32,612  
 Scott R. Hansen, Reg. 38,486  
 Michael D. Harris, Reg. 26,690  
 Douglas N. Larson, Reg. 29,401  
 Spyros J. Lazaris, Reg. 45,981  
 Sung Oh, Reg. P45,583  
 David J. Oldenkamp, Reg. 29,421  
 William Poms, Reg. 18,782  
 Alan C. Rose, Reg. 17,047  
 Charles Rosenberg, Reg. 31,464

Guy P. Smith, Reg. 20,142  
 Ronald S. Tamura, Reg. 43,179  
 Gregory B. Wood, Reg. 28,133  
 Daniel Chapik, Reg. 43,424  
 Harold-D. Jastram, Reg. 19,777  
 Alan D. Kamrath, Reg. 28,227  
 Chad Klingbeil, Reg. 33,002  
 Craig J. Lervick, Reg. 35,244  
 Cyrus Morton, Reg. 44,954  
 Bruce Canter, Reg. 34,792  
 Louis C. Cullman, Reg. 39,645  
 Monique Heyninck, Reg. P44,763  
 James W. Inskerp, Reg. 33,910

Kurt A. MacLean, Reg. 31,118  
 Ben H. Bedi, Reg. 39,904  
 Everitt George Beers, Reg. 40,508  
 Michael K. Bosworth, Reg. 28,186  
 Justin F. Boyce, Reg. 40,920  
 Chris W. Chou, Reg. 41,672  
 Anthony B. Diepenbrock III, Reg. 39,960  
 Robert O. Guillot, Reg. 28,852  
 Claude A.S. Hamrick, Reg. 22,586  
 Esther La, Reg. 43,734  
 Leah Sherry, Reg. 43,918  
 Marc Bobys, Reg. 45,267

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Oppenheimer Wolff & Donnelly LLP to the contrary.

Please direct all correspondence in this case to Oppenheimer Wolff & Donnelly LLP at the address indicated below:

OPPENHEIMER WOLFF & DONNELLY LLP  
 2029 CENTURY PARK EAST  
 38TH FLOOR  
 LOS ANGELES, CA 90067-3024

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |                            |  |                                       |   |
|--|----------------------------|--|---------------------------------------|---|
| 2  | Full Name<br>Of Inventor   | Family Name<br>Farber                          | First Given Name<br>Elliott           | Second Given Name                           |
| 0  | Residence<br>& Citizenship | City<br>North Mankato                          | State or Foreign Country<br>Minneosta | Country of Citizenship<br>USA               |
| 1  | Post Office<br>Address     | Post Office Address<br>1720 Orchid Drive North | City<br>North Mankato                 | State & Zip Code/Country<br>Minnesota 56003 |
| Signature of Inventor 201: <i>Elliott Farber</i> |                            |  | Date: <i>Jan. 9, 2001</i>             |   |

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re US Provisional Application of:

Elliott FARBER

Application No. 09/758,696

Group Art Unit: 1617

Filing Date: January 11, 2002

Examiner: S. SHARAREH

Title: METHODS FOR TREATMENT OF  
INFLAMMATORY DISEASES

**REVOCATION OF ORIGINAL POWER OF ATTORNEY, AND  
GRANT OF NEW POWER OF ATTORNEY AND CHANGE  
OF CORRESPONDENCE ADDRESS BY ASSIGNEE  
AND CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Commissioner for Patents  
BOX: Revocation of Power of Attorney  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§1.36, 3.71 and 3.73(b), Assignee, New Health Sciences, Inc., hereby revoke all previous powers of attorney or authorizations of agent/attorney given in the above-identified application; and hereby grant and submit a power of attorney and change the correspondence address for the above-identified application to:

Celine Jimenez Crowson, Registration No. 40,357 and the registered practitioners of Hogan & Hartson LLP, included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

**Customer Number: 24633**

Please direct all inquiries to:

Celine Jimenez Crowson  
Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
Telephone: (202) 637-5703  
Facsimile: (202) 637-5910  
E-mail: cjcrowson@hhlaw.com

**CERTIFICATE UNDER 37 CFR 3.73(b)**

Alwyn Company, Inc., a Minnesota corporation, certifies that it is:

1. ☒ The assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest in the patent application identified above by virtue of:

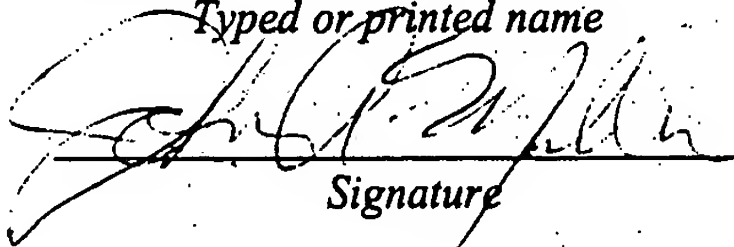
An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011799 Frame 0501 or for which a copy thereof is attached.

| FROM           | TO                  | REEL/FRAME NO. |
|----------------|---------------------|----------------|
| Elliott FARBER | Alwyn Company, Inc. | 011799/0501    |

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to sign this certificate on behalf of the Assignee.

October 9, 2002  
Date

John A. Miller  
Typed or printed name  
  
Signature  
President  
Title